

Senate Study Bill 3174 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

- 1 An Act relating to officer disciplinary actions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80F.1, subsection 1, Code 2020, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *g.* "*Brady list*" means a list of officers
4 maintained by the county attorney's office, including officers
5 who may have impeached themselves as witnesses and officers
6 who may have violated the pretrial discovery rule requiring
7 officers to turn over all evidence that might be used to
8 exonerate a defendant.

9 Sec. 2. Section 80F.1, Code 2020, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 20. *a.* An officer shall not be discharged,
12 disciplined, or threatened with discharge or discipline by a
13 state, county, or municipal law enforcement agency solely due
14 to the inclusion of the officer's name on a Brady list.

15 *b.* This subsection does not prohibit a law enforcement
16 agency from dismissing, suspending, demoting, or taking other
17 disciplinary actions against an officer based on the underlying
18 actions that resulted in the officer's name being placed on
19 a Brady list including any impeachment evidence against the
20 officer or evidence that the officer may not have turned
21 over exculpatory evidence to a defendant. If a collective
22 bargaining agreement applies, the actions taken by the law
23 enforcement agency shall conform to the rules and procedures
24 adopted by the collective bargaining agreement.

25 Sec. 3. BRADY LIST INTERIM COMMITTEE.

26 1. The legislative council is requested to establish a Brady
27 list interim committee for the 2020 interim. The purpose of
28 the committee shall be to do all of the following:

29 *a.* Study the disclosure of information contained in officer
30 personnel files as such information relates to a Brady list as
31 defined in section 80F.1.

32 *b.* Study the efficiency of implementing a statewide system
33 for a Brady list, identifying impartial entities to conduct
34 investigations pertaining to an officer's acts or omissions to
35 act, and recommending the appropriate procedures, due process

1 protections, appeal rights, and criteria for the placement and
2 removal of an officer's name on and from a Brady list.

3 c. Study any other issues that the committee determines
4 relevant to its objective. The committee may solicit the
5 advice or testimony of any organization or individual with
6 information or expertise relevant to the purpose of the
7 committee.

8 2. The committee shall consist of three members of the
9 senate appointed by the majority leader of the senate, two
10 members of the senate appointed by the minority leader of the
11 senate, three members of the house of representatives appointed
12 by the speaker of the house of representatives, and two members
13 of the house of representatives appointed by the minority
14 leader of the house of representatives. Additional committee
15 members shall include the commissioner of the department of
16 public safety or the commissioner's designee, a district court
17 judge appointed by the supreme court, and representatives from
18 all of the following: the Iowa county attorneys association,
19 the Iowa sheriffs and deputies association, the Iowa police
20 chiefs association, the Iowa state police association, the
21 Iowa peace officers association, the Iowa professional fire
22 fighters, the Iowa state troopers association, and the Iowa
23 state patrol supervisors association. The Iowa sheriffs and
24 deputies association member representative shall be an officer
25 who does not hold rank.

26 3. The committee shall elect a chairperson from the members
27 appointed.

28 4. The committee shall issue a report, including findings
29 and recommendations, to the governor and the general assembly
30 no later than December 16, 2020.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to police officer disciplinary actions and
35 establishes a legislative interim committee.

1 The bill amends Code chapter 80F, relating to the rights of
2 officers and public safety and emergency personnel. The bill
3 prohibits an officer from being discharged, disciplined, or
4 threatened with discharge or discipline by a state, county, or
5 municipal law enforcement agency solely due to the inclusion
6 of the officer's name on a Brady list. The bill defines "Brady
7 list" as a list of officers maintained by the county attorney's
8 office, including officers who may have impeached themselves
9 as witnesses and officers who may have violated the pretrial
10 discovery rule requiring officers to turn over any evidence
11 that might be used to exonerate a defendant. However, a law
12 enforcement agency may dismiss, suspend, demote, or take other
13 disciplinary action against an officer based on the underlying
14 actions that resulted in the officer's name being placed on
15 a Brady list including any impeachment evidence against the
16 officer or evidence that the officer failed to provide a
17 defendant with exculpatory evidence.

18 The bill establishes a legislative interim committee
19 to study the disclosure of officer personnel files as such
20 information relates to a Brady list, study the efficiency of
21 implementing a statewide system for a Brady list, identify
22 impartial entities to conduct investigations pertaining to an
23 officer's acts and omissions to act, and recommend appropriate
24 procedures, due process protections, appeal rights, and
25 criteria for the placement and removal of an officer's name on
26 and from a Brady list. The committee may solicit the advice or
27 testimony of any organization or individual with information or
28 expertise relevant to its study.

29 The committee shall consist of 10 legislative members
30 and 10 members representing various interested stakeholder
31 organizations, the department of public safety, and the court.
32 The committee shall issue a report, including findings and
33 recommendations, to the governor and the general assembly no
34 later than December 16, 2020.

35 The bill defines "Brady list" as a list of officers

1 maintained by the county attorney's office, including officers
2 who may have impeached themselves as witnesses and officers
3 who may have violated the pretrial discovery rule established
4 by Brady v. Maryland, 373 U.S. 83 (1963) requiring officers
5 to turn over all evidence that might be used to exonerate a
6 defendant.

7 Under Code section 80F.1, "officer" means a certified
8 law enforcement officer, fire fighter, emergency medical
9 technician, corrections officer, detention officer, jailer,
10 probation or parole officer, communications officer, or
11 any other law enforcement officer certified by the Iowa law
12 enforcement academy and employed by a municipality, county, or
13 state agency.